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EXAMINER

TOPGYAL, GELEK W

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2621

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,773

Applicant(s)

NAKAJIMA ET AL.

Examiner

Gelek Topgyal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to because of the following informalities: In claim 13, line 1, change "(original)" to – (currently amended)--, and underline "over a wireless network" which is a new limitation added to the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 18 recites the limitation "the processor" in page 8 of last correspondence. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 19 recites the limitation "second network" in page 8 of last correspondence. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 20 recites the limitation "second network" in page 9 of last correspondence. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

1. Applicant's arguments filed 12 May 2006 have been fully considered but they are not persuasive.
2. In re pages 11-13, the applicant argues that Hirota does not disclose a device that is identical to the "information processing terminal" of independent **claims 1 and 5**, claiming that neither the TV receiver nor the remote controller is individually capable of

(1) being notified of the recording capacity of the recording medium and (2) sending instructions to the IRD.

Furthermore, the applicant argues that if the TV is considered the information processing terminal, it is not able to send instructions, and that if the remote controller is able to send instructions, the remote controller is not capable of receiving the notification.

In response, the examiner respectfully disagrees. To further clarify the position of the examiner, the information processing terminal is met by the combination of the TV and the remote controller. Therefore, the TV (col. 3, lines 53-56, "...it is displayed in piles on **screen of TV receiving set...**") is able to receive the notification from the notification unit (**among multiple functions of processor 114, it has the ability to send a notification** of low free recording capacity to the OSD controller and then further to the screen of a TV receiving set). Fig. 5 shows a graphical user interface (GUI) that allows the user to make a selection to delete a prior content stored on the recording medium, when the selection is made, the GUI sends the control information associated with the selection made back to the IRD to perform the selected task. The IRD includes sub MPU 117 (col.4, lines 1-3) that is in charge of supporting peripheral devices, such as remote controllers. It is inherent that an input/output device, e.g. an infrared (IR) receiver, is used to receive the instruction selected from the remote control. The IR receiver is the receiver as claimed capable of receiving the instruction as claimed.

The amended limitation of "a processor operable to process at least a portion of the prior contents recorded on the recording medium," as recited in **claim 1** does not change the rejection as discussed in paragraph #2 of the last office action. The host processor 114 processes all the recorded programs on the recording medium and displays to the user the list of programs fitting a certain criteria as shown in Figure 5. The instruction is sent by way of the combination of the TV and a selection made on the remote controller (meeting limitation of claimed information processing terminal) and is therefore implemented by the host processor 114 (see col. 5, lines 34-58 and col. 6, lines 43-47).

3. In re page 13, the applicants argue that, for the arguments described above with respect to claim 1, Hirota would not anticipate or suggest claim 1 and so does not anticipate or suggest **claims 2 and 3 that depend from claim 1**.

In response, as discussed above, Hirota discloses all the features of claim 1.

4. In re pages 14-15, the applicants argue that, Hirota does not disclose an information processing terminal as recited in **claim 7-10**, and that the examiner relies on the IRD, the TV receiver and the remote controller to anticipate the claimed information processing terminal. The applicants also argues that Hirota does not disclose the TV receiver, and that the OSD 110 is not capable of displaying the notification received by the receiving means.

In response, the examiner respectfully disagrees. As discussed above in paragraph #2, the information processing terminal is met by the combination of the TV and the remote controller. To further clarify the rejection of independent **claims 7 and**

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10, the information processing terminal consists of a TV and a remote controller. It is conventional, well known and an industry standard that a television has **at least one input wherein video information is received**, and subsequently processed and displayed on the **display screen** of the TV set. Therefore, Hirota does in fact disclose the claimed receiver (col. 4, lines 50-53, "TV receiver"), a display unit (col. 3, lines 51-56, "...it is displayed in piles on **screen** of TV receiving set..."), an instruction unit and the transmitter is met by the remote controller, whereby the when the user makes a selection from the notification displayed by way of GUI on the TV screen, the instruction is produced. A conventional and well known remote controller has an infrared transmitter capable of transmitting the instruction to the GUI displayed on the TV screen (col. 4, Sub MPU 117 supports control of peripheral devices, such as a remote controller).

5. In re page 15, the applicants argue that, for the arguments described above with respect to claim 7, Hirota would not anticipate or suggest claim 7 and so does not anticipate or suggest **claims 8 and 9 that depend from claim 7**.

In response, as discussed above, Hirota discloses all the features of claim 7.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1- 3, 5 and 7-10** are rejected under 35 U.S.C. 102(e) as being anticipated by Hirota.

Regarding claim 1, Nakajima teaches an information recording apparatus for recording new contents onto a recording medium, comprising:

- a recording unit operable to record new contents onto the recording medium (Hirota teaches in col. 4, lines 19-21 of a Hard Disk Drive (HDD) 119 unit that is able to record new broadcast programs);
- a notification unit operable to send a notification to an information processing terminal regarding a recording capacity of the recording medium (In col. 5, lines 14-18, Hirota teaches of a processor 114 that displays a notification to the user);
- a receiver operable to receive an instruction transmitted from said information processing terminal in response to said notification (Hirota teaches in col. 5, lines 1-6 of an ability of the user to input a command by way of a remote controller. A receiver to receive the output from the remote controller is inherent);
- and a processor operable to process at least a portion of the prior contents recorded on the recording medium in accordance with said instruction (Hirota teaches in col. 5, lines 34-58 of a processor 114 that is able to process prior contents recorded on the HDD 119 at the request of the user).

Regarding claim 2, Hirota teaches that the notification includes the titles of programs that are currently stored on the medium (col. 6, lines 16-20). Hirota teaches in col. 5, lines 35-58 of the Hard Disc Drive 119 and more specifically a processor 114 of being able to delete a stored program by way of user notification.

Regarding claim 3, Hirota discloses in col. 4, lines 12-45 that the Hard Disk Drive 119 is capable of performing reserved recording. The Hard Disc Drive 119 by way of interface controller 120 and the transport processor 16 is able to perform reserved recording. Since reserved recording can be performed, a unit to control the unattended recording is inherent. The processor 114 as described in col. 5, lines 7-13, conducts the determination of free space. Hirota teaches in col. 5, lines 14-17 of a process that notifies the user of the free capacity on the medium.

Method claim 5 is rejected along with the same basis as disclosed above in apparatus claim 1.

Regarding claim 7, Hirota teaches of an OSD processor 110 that receives the notification of insufficient free space. The OSD processor 110 then generates a visual display on the display unit, so that the user can acknowledge the notification (col. 5, lines 14-17).

The user is able to give an instruction in reference to the notification of insufficient free space (col. 5, lines 26-29) by way of a remote controller (col. 5, lines 1-6). The remote controller is the equivalent to a transmitter that transmits the instruction. The instruction is then implemented by the processor to free up space on the HDD to allow for new recordings to take place (col. 5, lines 34-58).

Regarding claim 8, Hirota teaches that the notification includes the titles of programs that are currently stored on the medium (col. 6, lines 16-20) and is further displayed on a TV by way of an OSD processor 110 (col. 5, lines 14-20). Hirota teaches in col. 5, lines 35-58 of the Hard Disc Drive 119 and more specifically a processor 114 of being able to delete a stored program by way of user notification.

Regarding claim 9, the OSD processor 110 receives the notification by way of the processor 119, which is part of the integrated receiver decoder (IRD) capable of recording broadcasts (Fig. 1). The remote controller transmits the instruction to the IRD as described in col. 5, lines 1-6.

Method claim 10 is rejected along with the same basis as disclosed above in apparatus claim 7.

Response to Arguments

8. Applicant's arguments filed 12 May 2006 have been fully considered but they are not persuasive.

9. In re page 15, the applicants argue that, Hanai does not teach that the "presetting means searches for those of contents to be broadcast which all belong to a designated genre," as disclosed in **claim 4**, and that either Hirota, Hanai, Lang or Breslauer disclose the claimed feature.

In response, the examiner respectfully disagrees. Hanai discloses "program category" transmitted with the EPG, and as can be seen in Figs. 10 and 11, the term "category" displays the claimed genres of the broadcast programs in the likes of "**News, Movie, and Drama.**"

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10. In re page 16, the applicants argue that, for the arguments described above with respect to **claims 1 and 7**, Hirota would not anticipate or suggest claims 1 and 7, respectively, and so does not anticipate or suggest **claims 6 and 11, which are rejected for the same reasons as discussed in claims 1 and 7, respectively.**

In response, as discussed above, Hirota discloses all the features of claim 1 and 7, respectively.

11. In re pages 16-17, the applicants argue that, for **claims 12 and 15**, Breslauer does not teach that the signals generated are transmitted over a network. Furthermore, it is argued that Breslauer does not teach or suggest “a transmitter operable to transmit over the wireless network to the information recording apparatus for controlling recording of said new contents onto the recording medium based on said instruction.”

In response, the examiner respectfully disagrees. A network is defined as a structure that interconnects two or more devices. In Breslauer, the **applicants admit that the conditional access manager 314 and access providers 315 are software or hardware modules**, and since the two devices are interconnected, a network has been created. Furthermore, communications between software modules can be described as a **neural network**.

Furthermore, Hirota teaches the claimed transmitting means for **wirelessly transmitting** the instruction to control new contents to be recorded on the recording medium. The remote controller as taught by Hirota, uses no hard wires, instead uses the conventional IR technology, **which is a wireless network** connecting the remote controller and the IR port of the recording apparatus.

12. In re page 17, the applicants argue that, for the arguments described above with respect to claim 12, Hirota would not anticipate or suggest claim 12 and so does not anticipate or suggest **claims 13 and 14 that depend from claim 12** and that the examiner does not rely on Breslauer et al. to suggest claim 12 and so the combination of Hirota and Breslauer et al. as relied upon by the examiner does not anticipate or suggest claim 12 or its dependent claims 13 and 14.

In response, as discussed above, the proposed combination of Hirota and Breslauer discloses all the features of claim 12.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiruta, and further in view of Hanai.

Hiruta teaches in his invention the ability for reserved or unattended recording to take place, but he doesn't expressly disclose the ability for a presetting unit to generate broadcast contents that belong to a genre and further have the ability to preset the broadcast contents to be recorded.

Hanai discloses in his invention of an electronic program guide (EPG) that displays a list of programs that are currently broadcast and future broadcasts as well.

The EPG can display programs that belong to certain genres. The user, by way of a remote control 61, that allows the user to schedule recording of programs (col. 5, lines 17-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to preset the recording of broadcast programs through the EPG to allow the user a more efficient and interactive method of presetting recordings.

3. **Claims 6 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota as applied to above claims 1 and 7, respectively, and further in view of Lang.

Hirota teaches a system that meets all the limitations as set forth by the inventor, but fails to specifically mention a medium recorded with a computer-readable program that includes the instructions for the methods and functions of the claimed invention.

Lang teaches in col. 7, lines 10-19 of memory unit (ROM 32) that stores programs used by a processor (CPU 31). As mentioned in col. 6, lines 46-52, the control unit (DCU 14) uses the programs stored in the ROM 32 to accomplish its' tasks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a medium recorded with a computer-readable program so that a computer can be used to control any of the functions of the apparatus.

4. **Claims 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiruta, and further in view of Breslauer.

Regarding claim 12, Hiruta teaches an apparatus that notifies a terminal, a user, of insufficient free space on a medium when a preset recording needs to take place, but he fails to teach a processing apparatus that relays notifications from one apparatus to another, and transmit instructions from apparatus to another.

Breslauer teaches an apparatus that has a first receiver, a conditional access manager 314 that receives a notification from multimedia manager 306 for a request to view multimedia segments. The notification unit, the conditional access manager 306, is then able to send a second notification acknowledging the receipt of the first notification to another apparatus, conditional access providers 316. The conditional access providers 316 then makes a decision based on the notification from the multimedia manager 306 and sends the decision (instruction) back to the conditional access manager 314; this would suggest that there is a second receiver in the conditional access manager 314. Then, the conditional access manager 314, is then able to transmit to the multimedia manager the instruction as decided by the conditional access providers (col. 8, line 42 – col. 9, line 49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Breslauer's notification unit into Hiruta's invention to allow for notifications to be relayed from one end to another. Hiruta discloses the motivation to provide a broadcasting receiver that reduces failure of recording ability due to insufficient space, and to promote user's transaction efficiently and effectively. Breslauer's apparatus teaches a relaying system that can be utilized to reach an end user to control recording of broadcast programs.

Claim 13 is met by a combination of Hiruta and Breslauer, wherein Hiruta discloses that the notification includes titles of prior contents (col. 6, lines 16-20). Breslauer teaches of a transmitter transmitting an instruction (col. 9, lines 42-45), and Hiruta teaches that the instruction is an instruction to delete prior contents (col. 5, lines 26-29).

Method claim 14 is rejected along with the same basis as disclosed above in apparatus claim 12.

Claim 15 is met by the combination of Hiruta and Breslauer, wherein Breslauer discloses that a computer readable media that has instructions for operating the apparatus.

Response to Arguments

5. Applicant's arguments with respect to **claims 1, 16 and 17** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2005/0028208) in view of Hirota (US 6,577,806).

Regarding claim 1, Ellis et al. teaches an information recording apparatus for recording new contents onto a recording medium, comprising:

- a recording unit operable to record new contents onto the recording medium (Fig. 4, digital storage device 49, and secondary storage device 47, paragraph 91 teaches different types of storage mediums);
- a notification unit operable to send a notification to an information processing terminal regarding a recording capacity of the recording medium (In paragraph 99-100, and 117-118, Ellis et al. discloses the capability of sending notifications to a remote program guide access device 24 via a communications device 51, but fails to disclose that notification is regarding recording capacity of the recording medium);
- a receiver operable to receive an instruction transmitted from said information processing terminal in response to said notification (In paragraph 90, Ellis et al. teaches that a user television equipment 22, includes a communications device 51 that is capable of receiving instructions from a remote program guide access device 24 via link/network 19.);
- and a processor operable to process at least a portion of the prior contents recorded on the recording medium in accordance with said instruction (Fig. 4, and paragraph 89, Ellis et al. discloses a control circuitry 42 to process and control the storage devices 47 and 49, but fails to disclose processing at least a portion of the prior contents).

In an analogous art, Hirota discloses a system that is capable of notifying a user when a recording capacity of a recording medium is low (col. 5, lines 14-18). Hirota further teaches the ability for the user to select prior contents on the medium to be transferred or deleted to make room for new broadcast programs to be recorded (col. 5 lines 34-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to notify a user of a low recording capacity and allow memory management to free up capacity on a recording medium as taught by Hirota into the remote program guide access system of Ellis et al. to prevent any desired broadcast programs from not being recorded due to insufficient space required to record the particular desired program.

Regarding claim 16, Ellis et al. discloses an information recording apparatus according to claim 1, wherein the information processing terminal comprises a cellular telephone that communicated with the information recording apparatus over a wireless network (Paragraphs 92-94 discloses that the link/network 19 can be a cellular modem using CDMA, TDMA, or GSM, thereby suggesting a cellular telephone is used as an information processing terminal, such as a PDA).

Claim 17 is rejected for the same reasons as discussed in claim 1 above, and additionally, Ellis et al discloses a first receiver (Fig. 3, set top box receives from input 26), a hard disk (paragraph 90 discloses disk drive), a communication section (Fig. 4, communications device 51), and a processor (Fig. 4, control circuitry 42).

Response to Arguments

8. Applicant's arguments with respect to **claims 12, 13 and 18-20** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

9. **Claims 12, 13, and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2005/0028208), in view of Hirota (US 6,577,806), and further in view of Aguayo, Jr. et al. (US 5,555,015).

Regarding claim 12, the proposed combination of Ellis et al. and Hirota teaches an information recording apparatus that can communicate to a remote user via a remote program guide access device over a wireless network to allow new recordings on recording medium as disclosed above in claim 12, but fails to teach an information processing apparatus operable between an information recording apparatus and an information processing terminal as claimed.

In an analogous art, Aguayo, Jr. et al. teaches an information processing apparatus (wireless relay unit 80) comprising:

a first receiver operable to receive a first notification produced by the information recording apparatus when the recording medium has insufficient free capacity to record new contents (Col. 7, lines 7-33 and Fig. 4, receiver 420 capable of receiving control signals from cell transmitter/receiver 85 and subsequently from the cable control station 5.);

a notification unit operable to issue to the information processing terminal a second notification indicating receipt of said first notification by said first receiver (Col. 7, lines 7-33 and Fig. 5, data computing device 440 controls the cell relay unit 80 to transmit the control signal received from the cell transmitter/receiver 85 to the M-RTUs 95 or RTUs 90, note that the control signal being sent is sent because the first control signal has been received, and therefore indicates receipt);

a second receiver operable to receive an instruction from the information processing terminal based on said second notification (Col. 7, lines 7-33 and Fig. 5, teaches that the receiver 420 is now capable of receiving the responses from the M-RTUs 95 and RTUs 90);

and a transmitter operable to transmit over the wireless network to the information recording apparatus a signal for controlling recording of said new contents onto the recording medium based on said instruction (Col. 7, lines 7-33 and Fig. 5, teaches a transmitter 430 capable of transmitting the received response from the M-RTUs 95 or RTUs 90 and transmits them back to cell transmitter/receiver 85).

The proposed combination of Ellis et al. and Hirota teaches a system capable of allowing new recordings to take place by allowing notifications and instructions to be sent back and forth between an information recording apparatus and an information processing terminal. Ellis et al. discloses the need for having a remote program access device 24 so that a user will not miss any controls because they aren't physically present in a home (paragraph 9-10), and therefore the motivation to have a stable link

requiring less transmitting power between an information recording apparatus and a information processing terminal is present.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the relaying ability to transmit control signals received from a control unit (central transmitter/receiver unit 85 and cable control station 5) to a processing terminal (M-RTUs 95 and RTUs 90), and to receive a response from the processing terminal (M-RTUs 95 and RTUs 90) and transmit it back to the control unit (central transmitter/receiver unit 85 and cable control station 5), as taught by Aguayo, Jr. et al. into the proposed combination of Ellis et al. and Hirato to allow for a stable link requiring less transmitting power to further negate any possibility of missing the ability to record new programs.

Regarding claim 13, the proposed combination of Ellis et al., Hirato and Aguayo, Jr. et al. teaches the limitations as disclosed in claim 12 above, and furthermore, Hirato discloses a notification of prior contents recorded on the medium that is sent to the remote user of Ellis et al.. Since the information is relayed through the relaying system of Aguayo, Jr. et al. the notification of Hirato is transmitted through the digital data computing device 440 as claimed to allow a remote user to erase one of said prior contents.

Regarding claim 18, Ellis et al. teaches in Fig. 4, and paragraph 91, Ellis et al. discloses a control circuitry 42 to process and control the recording of new broadcast programs.

Regarding claim 19, the proposed combination of Ellis et al., Hirota and Aguayo, Jr. et al. teaches the limitations in claim 18 above. The claimed information processing apparatus as claimed is taught by Aguayo, Jr. et al.; Aguayo, Jr. et al. teaches that the relaying system is wired or wireless, but fails to teach that it uses a cellular network.

Ellis et al. teaches that the information processing terminal comprises a cellular telephone that communicates with the information recording apparatus over a wireless network to transmit instructions in the form of emails. (Paragraphs 92-94 disclose that the link/network 19 can be a cellular modem using CDMA, TDMA, or GSM, thereby suggesting a cellular telephone is used as an information processing terminal, such as a PDA. Paragraph 119 discloses wherein bidirectional communication takes place in the form of emails).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the cellular network and an email message as taught by Ellis et al. to allow for greater system feasibility and link stability.

Claim 20 is rejected for the same reasons as disclosed in claim 19 above, and additionally Ellis et al. discloses that the information terminal is a computer working over a wired network, and the instruction is an email (Paragraph 119 discloses wherein bidirectional communication takes place in the form of emails. Paragraph 93-94 discloses that the network can be over Ethernet, which is a wired network).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT
7/24/06


ROBERT CHEVALIER
PRIMARY EXAMINER